

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Overtime Pay and Compensatory Time Off

Number: 4551

Date: 11/23/94

Originating Office: Economics Management Staff

This Replaces: 3551 dated 2/1/85

Distribution: All Agencies

This P&P identifies the who, when, and how associated with irregular or occasional overtime for GS employees: who is entitled to overtime pay, when is it earned, and how is the entitlement calculated. It addresses overtime incurred during training or while on official travel, as well as overtime earned in the more normal course of duty. The P&P also discusses compensatory time off as an alternative to pay for overtime work. It does not cover SES or Wage Grade personnel.

Table of Contents

1.	Introduction	3
2.	Defining and Approving Overtime	4
	Basic Definition	4
	Overtime Versus Credit Hours	5
	Regularly Scheduled Versus Irregular Overtime	5
3.	Employee Eligible to Earn Overtime	5
4.	Credit Overtime Work	6
	Rounding Up and Rounding Down	6
	Call-Back Overtime	6
	Prohibition Against Double-Counting	6
5.	Overtime and Official Travel	7
	Travel Within the Official Duty Station	8
	Travel Outside the Official Duty Station	8
	Special Considerations Involving Travel	10
6.	Overtime During Training	11
7.	Overtime and Attendance at Meetings	11
8.	Effect of Employee Absence on Overtime Pay	12
9.	Computing Overtime Pay	12
	Nonexempt Employees	12
	Exempt Employees	13
10.	Compensatory Time Off in Lieu of Overtime Pay	14
	Ordering or Requesting Compensatory Time Off	14
	Crediting Compensatory Time Off	14
	Use of Compensatory Time Off	15
11.	Summary of Responsibilities	15
12.	Glossary	16

1. Introduction

When employees give more time to the job than the job, the boss, or the Federal Government normally demands, those employees must be compensated, either through additional pay or through time off. While the concept is simple enough, the rules governing its implementation are not. This P&P will attempt to explain those rules and the procedures built upon them and, in so doing, clarify an area of personnel that is often rather fuzzy¹. The focus here will be solely on overtime administration for employees under the General Schedule (GS);² neither the Senior Executive Service nor the Federal Wage System will be discussed at this time.³

The management of overtime and even the discussion of overtime issues are difficult for two main reasons: (1) there are two sets of rules--two laws--operating in the overtime environment, and (2) the existence of these two laws has encouraged the adoption of some rather awkward terminology which has certainly fostered some confusion.

This was not always the case. Until 1974 all Federal employees were gathered under the same overtime umbrella; the rules for overtime laid down in Title 5 of the United States Code applied to everyone. In that year, Congress complicated the picture by amending the Fair Labor Standards Act (FLSA)⁴—which also addressed overtime to include Federal employees. But the FLSA would not cover everyone. As is true of its application within the private sector, the provisions of the FLSA are largely restricted to lower-graded, nonsupervisory positions. In the Economics agencies, the following types of GS positions are covered by the FLSA:

- clerical and technical support positions, grades GS-9 and below;
- professional and administrative positions, grades GS-7 and below;
- supervisory positions at GS-9 and below with a large percentage of nonsupervisory dudes (more than 20 percent of the dudes are nonsupervisory).

¹This P&P is intended to address those overtime situations most commonly encountered by employees and management. The basic reference is Title 5, Code of Federal Regulations, Parts 550 and 551.

²This includes not only those positions "traditionally" designated GS, but all former GM positions as well.

³Employees in the Senior Executive Service do not earn overtime; for questions concerning overtime for Wage Grade employees, contact a personnel specialist in EMS's Employee Services and Program Development Branch.

⁴The FLSA is a piece of Depression-era legislation designed to improve the lot of the working man or woman. It establishes the nationwide minimum wage and seeks to guarantee fairness in the administration of overtime.

All other GS positions in the Economics agencies remain outside the perimeter of the FLSA; in the language of the law, all other positions are **exempt** from the provisions of the Act. Also exempt are any positions, regardless of grade or assigned duties, whose incumbents are **permanently stationed outside the United States** or its territories.⁵

The use of the term exempt in this context has no doubt prompted the use of **nonexempt** to describe those positions covered by the FLSA. Such terminology can often prove baffling, since a negative term (nonexempt) is used to describe a positive concept (the position is covered under FLSA - and vice versa).⁶

Fortunately, the gap between the two laws governing these two groups of employees is not great, but it is wide enough to require some awareness on the part of both employees and managers. While most of the following guidance applies to both exempt and nonexempt employees, at certain junctures their two paths diverge. The forks-in-the-road will be duly noted as they occur.

2. Defining and Approving Overtime

Basic Definition

To qualify as overtime, the hours worked must:

- exceed **8 hours** in a day or **40 hours** in a week,
- be officially ordered in advance,⁷ and
- be in addition to the normal daily or weekly work requirement.

This definition applies to **all** employees, those who are exempt from the FLSA and those who are nonexempt.⁸

⁵Employees on temporary duty outside the United States would also be exempt from the FLSA, provided they remain at the foreign location for a **full workweek or more**. Foreign duty lasting less than a week will not affect the employees' FLSA coverage.

⁶Although the terms **exempt** and **nonexempt** are frequently used to describe the employee in the position, these designations technically attach only to the position. The EMS personnel specialist who establishes and classifies the position also determines its status in terms of the FLSA. The status of a given position may be learned by checking Block 35 of the most current SF-50, Notification of Personnel Action.

⁷P&P 1030, "Delegations of Authority," lists those officials authorized to order and approve overtime. Before ordering overtime, supervisors must first complete form EMS-38, Request for Overtime.

⁸Nonexempt employees who work a **standard** work schedule (i.e., they do not participate in ECONFlex) may also be entitled to overtime which management "suffers or permits" them to perform. Supervisors "suffer or permit" work to take place when they know or have reason to believe the work is being performed and have or had an opportunity to prevent it. Within such a

Employees **cannot** order or approve their own overtime. Officials in charge of a field office or one person stations may **certify** that they, in fact, worked overtime, providing the overtime had been previously approved by an individual authorized to do so.

Overtime Versus Credit Hours

Employees on ECONFlex may also earn credit hours. Credit hours differ from overtime in that credit hours are **voluntary**, while overtime is **not**. Employees **choose** to work credit hours; they are **ordered** to work overtime.⁹

Regularly Scheduled Versus Irregular Overtime

In certain situations, employees may work overtime on a continuing basis as a fixed part of their established schedules. This regularly scheduled overtime is somewhat rare in the Federal service and is seldom, if ever, encountered in the Economics agencies. The type of overtime that the Economics agencies may have to deal with is irregular or occasional overtime--overtime that does not form any predictable pattern and, therefore, cannot be "plugged into" the employees' regular schedule. Irregular or occasional overtime is ordered on an ad hoc basis in response to the needs of the moment.

Since regularly scheduled overtime is virtually an unknown quantity in the Economics agencies, it does not merit further discussion. Should more information be needed, contact the Employee Services and Program Development Branch. The remainder of this P&P will be devoted to overtime as we most commonly know it--**irregular or occasional overtime**.

3. Employee Eligible to Earn Overtime

All Federal employees may earn overtime (either overtime pay or compensatory time off in lieu of overtime) **except** for the following:

- members of the Senior Executive Service,

scenario, the supervisors need not have ordered the work in advance; the fact that they knew the employees were working is sufficient to entitle the employees to overtime compensation. "Suffer or permit" overtime is not, however, available to employees on flexible work schedules, including ECONFlex. Therefore, this type of overtime is rarely encountered within the Economics agencies.

⁹Supervisors may, of course, offer employees the option of working credit hours. If the employees accept the proposal, they are still, in effect, volunteers, since the supervisors were asking, not ordering the work, and the employees could very well have said no.

- experts and consultants employed on a temporary basis, and
- employees whose basic pay in any calendar year equals or exceeds the maximum rate payable at Grade GS-15.

4. Credit Overtime Work

Rounding Up and Rounding Down

Overtime is credited in quarter hour increments. Any "odd minutes" worked (i.e., time worked which is less than a full quarter hour) are either "rounded up" or "rounded down" to the nearest quarter hour: an employee who works 8 minutes is credited with a quarter hour of overtime (i.e., the 8 minutes are rounded up to a quarter hour); an employee who works 7 minutes is not credited with a quarter hour of overtime (i.e., the 7 minutes are rounded down to zero).

Example: An employee who works 38 minutes overtime will receive credit for 3 quarter hours; an employee who works 37 minutes overtime will be credited with 2 quarter hours of overtime.

Call-Back Overtime

An employee who works on a day that was not originally scheduled as a workday **or** completes a normal workday schedule and departs, only to be called back to the office or other place of employment for additional duty later in the day, earns a **minimum of 2 hours** overtime. If the employee works more than 2 hours, the full time worked is credited; if the employee works less than 2 hours, 2 hours are credited. This call-back minimum applies to both **exempt** and **nonexempt** employees.

Prohibition Against Double-Counting

Hours worked in excess of 8 hours per day are not included in computing hours of work in excess of 40 hours per week. This means that an employee who has already received overtime credit for extra hours worked in a day cannot also use those hours to earn additional credits for the week. Only regular hours--not a combination of regular hours plus overtime or credit hours--count toward meeting the 40 hours per week standard.

Example:

	M	T	W	T	F	S	Total Hrs.
Scheduled hours	8	8	8	8	8	0	40
Hours Worked	8	8	8	10	6	2	42
Over 8 hrs.	0	0	0	2	0	0	2
Hours counted towards weekly standard	8	8	8	8	6	2	40

An employee works a normal schedule from Monday through Wednesday, works 2 hours overtime on Thursday, and takes leave without pay for 2 hours on Friday afternoon. The employee then works 2 hours on Saturday morning.

In this scenario, the total overtime earned would be 2 hours—the 2 hours worked on Thursday. The Saturday hours—which certainly "look like" overtime—would **not**, in fact, be overtime, since the employee did not work (or was not in a pay status)¹⁰ for more than 40 hours during the week. The employee's workweek consisted of just 40 hours--8 hours Monday through Thursday, 6 hours on Friday, and 2 hours on Saturday. The 2 hours overtime on Thursday do not count toward the 40 hour goal, nor do the 2 hours of leave without pay. The 2 hours on Saturday would not, therefore, be overtime, but would be paid at the employee's regular rate.

5. Overtime and Official Travel

While the treatment of exempt and nonexempt employees is very similar in many situations, the gap widens when employees are required to travel. The FLSA offers several entitlements to traveling employees that are simply not available under Title 5 (i.e., the law governing exempt employees). In this particular instance, nonexempt employees have a clear advantage.

¹⁰Chapter 8 discusses the relationship between employee absence and overtime pay.

Travel Within the Official Duty Station

Time spent traveling **within** the official duty station,¹¹ either before or after an employee's regular working hours, which is directly related to the employee's work assignment is considered hours of work for a **nonexempt** employee. (This does **not** include travel from the employee's home to the place of work and vice versa. The daily commute **never** qualifies as work time.)

Example: A nonexempt employee, whose office is located in the South Building, reports for work as scheduled at 8:30 a.m. Later in the day, the employee drives to Greenbelt, Maryland, to attend a meeting. When the meeting concludes at 4:30 p.m., the employee drives back to the South Building to report the results of the meeting to her supervisor, arriving at 5:15. The employee's normal workday ends at 5:00. The 15 minutes of travel time from 5:00 to 5:15 would be regarded as hours worked and would be credited as overtime.

An **exempt** employee, in contrast, is **not** entitled to overtime compensation for travel within the boundaries of the official duty station.

Travel Outside the Official Duty Station

Travel Outside Regular Working Hours. To the extent possible, all required travel and especially travel to destinations outside employees' duty stations should take place within regularly scheduled workdays and/or workweeks. However, when such travel cannot be avoided, all employees, **both exempt and nonexempt**, may earn overtime for travel **outside of their regular working hours**, provided the travel:

- involves the performance of work while traveling (this generally means work that can **only** be performed while traveling **or** work that supervisors specifically ordered employees to perform while traveling;¹² work that was not ordered—for example, voluntarily working on a speech while en route to a conference is **not** considered work);
- is "incident" to travel that involves the performance of work while traveling; the work in this instance must be work that can **only** be performed while traveling; other work performed, even when specifically ordered by management, does not apply here (e.g., an employee drives to the

¹¹In this instance, an agency's official duty station is defined as the incorporated limits of the city or town in which agency offices are located; for Washington, D.C.-based employees, it is the Washington metropolitan area.

¹²For **nonexempt** employees, driving a vehicle is considered working while traveling; it is not considered work for exempt employees.

airport to catch a plane; while on the plane, the employee provides security for a traveling official [i.e., performs work that cannot be performed elsewhere]; both the incidental travel by car and the working-while-en-route travel by plane will count as hours worked);

- is carried out under such arduous conditions that the travel is inseparable from work (e.g., over unusually adverse terrain; during severe weather conditions; or to remote, barely accessible facilities); **or**
- results from an event that "could not be scheduled or controlled administratively" by an agency of the Federal Government and there is an "immediate and official necessity" in connection with the event—that requires the employee to travel outside of normal work hours. This would include events scheduled by non-Government individuals or institutions and over which the Government has no control and any unforeseen circumstances which disrupt the normal scheduling of travel.¹³

Travel on Nonworkdays. The Senate Committee on Post Office and Civil Service stated in 1967, that ". . . an employee should not be required to travel on his [or her] off day in order to be at work at a temporary duty station early Monday morning to attend a meeting. It is an imposition upon his [or her] private life that should not be made...."

When the needs of the agency are so compelling that even this firm admonition must be set aside, the time spent traveling on nonworkdays will be credited (or not credited) as follows:

- **Nonexempt Employees.** Hours spent in travel on nonworkdays that correspond with the employee's regular work schedule on regular workdays are credited as hours of work and, therefore, could count as overtime. Hours spent traveling that do **not** correspond with the employee's regular work hours on regular workdays are **not** considered hours of work, unless the employee performs work while traveling (see preceding section). Meal breaks and any excess time spent waiting at a common carrier terminal¹⁴ are **not** regarded as hours of work and will not be credited.
- **Exempt Employees:** Unless the travel situation meets one of the criteria noted above (i.e., the employee works while traveling, the journey is arduous, or the scheduling could not be controlled), the hours of travel on a nonworkday will **not** be credited as hours worked and the employee will receive no compensation.

¹³An example might be a seminar organized by a college or university and aimed at a "general" audience—not organized solely for the benefit of the Government. This provision covers both the employees' outbound journey to such an uncontrolled event and the employees' return.

¹⁴For example, an employee arrives at the airport 2 hours before a flight to Chicago, when the airline requires that passengers check in no earlier than 30 minutes prior to the scheduled departure.

Day Trips. When a **nonexempt** employee travels to a temporary duty station outside the limits of the official duty station and returns to the official duty station all in the same day, such travel is considered hours worked—less any meal breaks which might have been included in the day's activities. Hours devoted to this 1-day assignment which fall **outside the employee's regular schedule** would also be regarded as hours worked and could be credited as overtime, with the following exceptions:

- normal travel from home to work and from work to home (the daily commute is **never** considered work time; however, in this instance, if the employee travels directly from home to the temporary duty site and returns via that same routing, the normal commuting time will be subtracted from the total travel time and any excess minutes or hours will be credited as time worked and could possibly be counted as overtime).
- time spent waiting at a common carrier terminal in excess of normal waiting time.

For an **exempt** employee, the determination rests once more with the four criteria discussed earlier. It is again a question of whether or not the employee performed work while traveling, the nature of that work (could it only be done while traveling), the character of the journey (was it arduous), and the control (or lack of control) the agency had over scheduling. If none of these conditions is met, the travel does not qualify as hours worked and overtime cannot be credited.

Special Considerations Involving Travel

Employee-Modified Itineraries. The supervisor will determine the mode of transportation, route, and scheduling of employee travel, based on the distance, cost, and nature of the work to be performed. When an employee, for personal reasons, alters this recommended itinerary, travel time will be credited as follows:

- **Nonexempt Employees.** The employee will be credited with that portion of the **actual** travel time that qualified as work time, **or** with that portion of the **estimated** travel time that would have been considered work time had the employee followed the recommended itinerary--**whichever is less.**

Exempt Employees. The employee will be credited with **only** the amount of time that would have qualified as work time had the employee followed the most expeditious routing.

Travel Involving Two or More Time Zones. When an employee's travel crosses time zones, the time zone from the first point of departure on a given workday will be used to determine whether the employee traveled during regular working hours.

Documenting the Ordering of Noncompensable Travel Time. When an employee is ordered to travel outside regular work hours without compensation (i.e., travel time does not meet any of the criteria or conditions discussed above), the employee may request a written statement from the supervisor outlining the reasons why such travel was necessary. The supervisor can provide the requested documentation by completing and signing form EMS-491, Noncompensable Travel. Once the supervisor has completed this form and presented it to the employee, the employee may not properly refuse to travel. Pay or no pay, the employee must go.

6. Overtime During Training

For a **nonexempt** employee, time spent in training **outside regular working hours** will be considered hours of work and, therefore, could qualify as overtime if:

- the agency requires the training, and the employee's performance (and possible retention) would suffer should the training not be completed, or
- the purpose of the training is to improve the employee's performance in the position currently occupied (as opposed to upward mobility training or other developmental training designed to equip the employee for future advancement; developmental training does **not** qualify as hours worked).

Current law generally prohibits an **exempt** employee from receiving overtime pay for time spent in training. However, an exception will be made if training scheduled outside the regular workday proves more cost effective. If the cost of after-hours training is less—even with overtime pay factored in—than the cost of the same training held during regular work hours, an exempt employee attending the training may earn overtime.

Should an agency schedule noncompensable training outside an employee's regular work hours, attendance at such training should be strictly voluntary.

7. Overtime and Attendance at Meetings

Time that a **nonexempt** employee spends attending a lecture, meeting or conference outside the employee's regular working hours will be considered hours of work if:

- the agency directs the employee to attend the event, or

- while attending the event the employee performs work that will benefit the agency.

For an **exempt** employee, time spent in meetings outside of regular work hours is not regarded as hours worked and cannot be credited as overtime.

8. Effect of Employee Absence on Overtime Pay

Paid Absence. Any type of paid absence—annual leave, sick leave, credit hours, compensatory time off, excused absences, and holidays—is considered hours of work. Therefore, these absences will **not** reduce the amount of overtime pay an employee might earn in a scheduled workweek.

Unpaid Absence. In contrast to paid absence, unpaid absence—leave without pay, furlough, and absence without leave—is **not** considered hours of work. Therefore, an employee will not earn overtime, either on a given day or in a given week, until the employee "makes up" these unpaid absences. That is, the employee would have to work extra hours beyond the normal tour of duty—but at the normal rate of pay—to compensate for the unpaid time off.

Example: An employee works 7 regularly scheduled hours on Monday and takes 1 hour of leave without pay. At the end of the day, the supervisor orders the employee to work late. The employee works for 2 hours and 45 minutes beyond the normally scheduled workday.

The first hour worked is not overtime, since the employee has not yet worked the 8 hours needed to qualify for overtime. For that first hour, the employee earns the regular rate of pay. Once that hour has been worked, however, any subsequent hours—in this case, 1 hour and 45 minutes—would be paid at the overtime rate.

9. Computing Overtime Pay

Overtime pay entitlements for a nonexempt employee are somewhat more generous than for an exempt employee.

Nonexempt Employees

A nonexempt employee is entitled to:

- the **basic rate** of pay for all overtime hours worked, **plus**
- one-half times the employee's hourly **regular rate** of pay for all overtime hours worked.

The "hourly regular rate" is computed by dividing the total remuneration paid to the employee during the workweek in question by the total number of hours worked in that week. The "total remuneration" excludes any special awards that the employee may have received during the week, but includes (as applicable):

- pay for all hours actually worked at the employee's basic rate,
- cost of living adjustment,
- Sunday differential,
- night differential,
- holiday premium pay,
- post differential, and
- retention allowance.

No one at the agency level will be required to make these calculations. The National Finance Center will automatically compute the hourly regular rate for any nonexempt employee earning overtime pay in a given pay period.

There is **no maximum limit** on the amount of overtime pay a nonexempt employee may earn.

Exempt Employees

An **exempt employee** earns overtime as follows:

- for an employee whose salary is **at or below GS-10, Step 1** (including special pay rates, locality pay, and any applicable geographic adjustments) overtime is paid at one and one-half times the hourly rate of basic pay.
- for an employee whose salary is **above GS-10, Step 1** (including special pay rates, locality pay, and geographic adjustments) overtime will be paid at one and one-half times the hourly rate of pay at GS-10, Step 1.

This rate of overtime pay applies to all overtime that an exempt employee may earn, including work performed on Sundays and holidays.

There is a limit on the amount of overtime an exempt employee may earn in a given pay period. That limit is reached when the employee's aggregate rate of pay (i.e., basic pay plus premium pay, including overtime) exceeds the **maximum biweekly rate payable at the GS-15 grade level** (including

locality pay and any special pay which may apply).¹⁵ An employee whose salary already exceeds the maximum rate at GS-15 will not be entitled to overtime pay or compensatory time off.

10. Compensatory Time Off in Lieu of Overtime Pay

Ordering or Requesting Compensatory Time Off

An employee may be required or allowed to take compensatory time off in lieu of overtime pay as follows:

Nonexempt Employees.

- Regardless of salary level, a nonexempt employee may take compensatory time off in lieu of overtime **only** at the employee's own request; if the employee does not wish to substitute compensatory time off for overtime pay, management cannot force the employee to do so. If such a substitution is refused, the employee must be paid at the overtime rate.
- There is no limitation on the amount of compensatory time off that a nonexempt employee may earn.

Exempt Employees.

- A supervisor may **require** an exempt employee whose salary **exceeds GS-10, Step 10** (including special pay and geographic adjustments) to take compensatory time off in lieu of overtime pay.
- An **exempt** employee whose salary is **at or below GS-10, Step 10** (including special pay entitlements), may **request** compensatory time off in lieu of overtime pay; an employee in this category **cannot** be ordered to accept this substitution.
- There is a limit on the amount of compensatory time off an exempt employee may earn in a given pay period. This limitation is the same as that imposed on overtime pay (see Chapter 9 above). To determine if the limit has been reached, calculate how much the employee would earn if the compensatory time were converted into paid overtime. If, with this amount added in, the employee's salary for the pay period exceeds the maximum payable rate at GS-15, the "excess" compensatory time earned will have to be forfeited. When such a situation occurs, the

¹⁵Earnings limitations are relaxed somewhat for work performed in connection with emergencies. For details, contact a personnel specialist in EMS's Employee Services and Program Development Branch.

National Finance Center will make the determination and notify the employee's timekeeper.

Crediting Compensatory Time Off

Compensatory time off is credited in exactly the same manner as paid overtime (see Chapter 4). It is earned and used in quarter hour increments, and the "rounding up" and "rounding down" method of determining overtime credit also applies.

Use of Compensatory Time Off

An employee should use compensatory time off before annual leave, unless the employee is in a "use or lose" situation at the end of the leave year. Compensatory time may remain in the employee's account until the end of the leave year following the year in which it was earned, or until the employee is separated from the agency, whichever comes first. At that point, any remaining compensatory time will be paid at the overtime rate that was in effect at the time the overtime was earned.

11. Summary of Responsibilities

Supervisors

- Plan and organize work assignments to minimize the need for overtime.
- Order overtime work as necessary and approve employee requests to substitute compensatory time off for overtime pay.
- Ensure that FLSA nonexempt employees do not work beyond their regular tours of duty, except when overtime or credit hours have been officially authorized.

Personnel Specialists, Personnel Division, EMS

- Determine if positions are exempt or nonexempt from the provisions of the FLSA.
- Recommend policy governing overtime pay and compensatory time off.
- Answer questions from supervisors and employees on overtime-related issues.

Employees

- Understand that employees on ECONFlex earn overtime pay or compensatory time off only when overtime work is specifically ordered by their supervisors.

12. Glossary

Absence Without Leave. A period of unauthorized absence.

Basic Pay. The rate of pay fixed by law for an employee's position, including any applicable interim geographic adjustment or locality pay, but excluding any additional pay of any kind.

Common Carrier Terminal. An airport, or a train or bus station.

Compensatory Time OFF! Time off granted an employee during regular hours of work in lieu of overtime pay for overtime work.

Credit Hours. Time off earned by an employee on a flexible work schedule in recompense for voluntarily working beyond the basic scheduled requirement; credit hours differ from compensatory time off in that they are not granted in lieu of overtime pay.

ECONFlex. A type of maxiflex schedule which requires employees to work 80 hours per biweekly pay period, but allows them to vary the number of hours worked per day and the number of hours per week. See P&P 4610, "Hours of Duty/ECONFlex."

Exempt. Label applied to positions (and, by extension, to employees in those positions) that are not covered by the provisions of the Fair Labor Standards Act.

Fair Labor Standards Act (=SA). A law designed to guarantee fair treatment for employees in junior level positions within the work force. The law establishes a minimum wage and sets forth provisions for the handling of overtime.

Irregular or Occasional Overtime. Overtime work that is **not** part of an employee's regularly scheduled basic workweek.

Leave Without Pay. An approved temporary absence from duty without compensation.

Nonexempt. Label applied to positions (and, by extension, to employees in those positions) that are covered by the provisions of the Fair Labor Standards Act.

Nonpaid Absence. Employee absence that earns no compensation (e.g., leave without pay, absence without leave, suspension, or furlough).

Official Duty Station. The corporate limits of the city or town in which an employee is permanently

assigned; for Washington, D.C.-based employees, it is the Washington metropolitan area.

Overtime Pay. Additional pay authorized for overtime work.

Paid Absence. Employee absence during which normal pay and benefits are earned (e.g., annual leave, sick leave, legal holidays, excused absences).

Regularly Scheduled Overtime. Overtime work that is part of an employee's regularly scheduled administrative workweek (not addressed in this P&P).

Standard Work Schedule. A work schedule wherein employees work 5 days per week, 8 hours per day (excluding lunch); starting and ending times are pre-determined by the supervisor, and no deviations are allowed.

Suffered or Permitted Overtime. Any work performed by an employee for the benefit of an agency, whether requested or not, provided the employee's supervisor knows or has reason to believe that the work is being performed and has an opportunity to prevent it. This type of overtime is not allowed under ECONFlex.

Title 5, United States Code. The basic law addressing issues related to Government organization and employees.